

Appl. No. 10/693,361
Response dated July 31, 2006
Reply to Office Action of March 29, 2006

REMARKS

Claims 1, 2, 5, and 8 – 11 have been provisionally rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 4 – 9 of copending, commonly owned Application No. 10/693,360. However, as a terminal disclaimer, disclaiming the terminal part of any patent granted on the present application which would extend beyond the expiration date of any patent granted on pending Application No. 10/693,360, is filed herewith, it is requested that the Examiner reconsider and withdraw the present provisional rejection.

Claims 1 – 3 and 8 – 12 have been rejected under 35 USC §102(e) as being anticipated by Shalaby et al., U.S. Patent No. 6,551,610. The Examiner notes that the cited reference has a common inventor with the present application and that the earlier effective US filing date of the reference renders it prior art under 35 USC §102(e), but also notes that such rejection may be overcome, for example, by a showing under 37 CFR §1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application. Accordingly, a Declaration under 37 CFR §1.132 in accordance with MPEP §716.10 containing an unequivocal statement attributing the inventive activity underlying the present claims to the present, sole inventor, is filed herewith. Thus, it is requested that the Examiner reconsider and withdraw the present rejection.

Claims 4, 6, and 7 have been objected to as being dependent upon a rejected base claim. However, as it is submitted that the Terminal Disclaimer and the Declaration submitted herewith and discussed above have overcome the rejections to the base

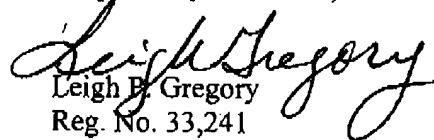
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claims, it is further submitted that the present dependent claims are allowable as presently written.

Accordingly, it is submitted that the present application is in condition for allowance and such action is respectfully requested.

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Respectfully submitted,


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